

REMARKS

Claims 1, 7 and 8 have been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated May 7, 2003.

Claims 1, 2, 5 - 8, 10 and 11 remain in this application, claims 3 and 9 having been withdrawn.

Claims 8 and 11 stand rejected under 35 USC §112, second paragraph, for the specific reason set forth in item 1, page 2 of the outstanding Action regarding claim 8. The applicant respectfully requests reconsideration of this rejection.

As indicated above, claim 8 has been amended in order to more particularly point out, and distinctly claim the subject matter to which the applicant regards as his invention, and in order to correct certain informalities therein, including those which have been pointed out by the Examiner.

Accordingly, the withdrawal of the outstanding indefiniteness rejection under 35 USC §112, second paragraph, is in order, and is therefore respectfully solicited.

Although the Examiner has now withdrawn his previous reliance on the Haber (U.S. Patent No. 5,356,384) and Bruno (U.S. Patent No. 5,067,223) references, the Examiner now however relies on a new reference (namely, Wade, U.S. Patent No. 4,979,945) in rejecting claims 1, 2, 4 - 8, 10 and 11 under 35 USC §102(b) based on Wade.

The applicant respectfully requests reconsideration of this rejection.

Wade is concerned with a syringe needle protector and remover apparatus, which includes a base 12 having a first arm 14 and a second arm 16 extending vertically and upwardly therefrom. Between the first arm 14 and the second arm 16 is an opening 50 of different openings, referred to as gaps 20, 22, 23. See, Wade's Figure 2. The gaps 20, 22, 23 are capable of accommodating therein different types of needle caps 44, 46, 48, as illustrated in Wade's Figure 1.

In the applicants' disposable syringe device auxiliary unit, the cap clamping/holding sections 83a, which act as the cap holding unit, as illustrated in the applicants' Figure 9A, include:

cap length adjustment members 86a and 86b, which act as a cap length adjusting section, [and] are formed in thicknesses corresponding to cap lengths and fixed on the bottom of the auxiliary unit main body 84.¹

not claimed
The different thicknesses of the cap length adjustment members 86a and 86b permit the cap clamping/holding sections 83a to have different heights. No such differing heights exist in

only claim

¹ Please see, lines 2-6, page 22 of the applicants' specification.

accommodating the different types of caps in the Wade apparatus.

In view of the applicant's above-discussed positions, the applicant has highlighted the above-discussed structural arrangements in each of claims 1, 7 and 8 in distinguishing over the teachings of the Wade apparatus.

The applicant further respectfully submits that in Wade, the cap is removed from the needle which is covered with the cap, and then, the needle, after having been used, is covered again with the cap.

noted Thus, it is clear that in Wade, there is no function for making it possible for the needle, which is covered with the cap and fitted on an end of the syringe barrel, to be safely separated from the syringe barrel as characterized in the presently claimed invention.

Wade can hold three kinds of different needles. However, when the needle which was once used is covered again with the cap and then the syringe in this state is pulled out from between arms 14 and 16, the upward motion is needed (see, Fig. 11D). Thus, if another cap is provided in the direction of the motion, it is not possible to pull out only this cap in case the cap with which the needle is again covered is positioned below.

On the other hand, the applicant respectfully submits that, first, the presently claimed invention holds a plurality of caps of different lengths at the same time; and secondly, in case a plurality of caps are held, the needle which was once used is easily again covered with the intended cap, and only the syringe to which the needle which is covered again with the cap is fitted can be removed from the cap holding auxiliary unit with one hand.

It is further respectfully submitted that in Wade, when the needle is covered again with the cap, one does so while moving the syringe forwards, whereupon the needle used is positioned furthestmost in the advancing direction. Hence, if one fails to cover the needle with the cap, then there is the possibility that the accidental needle stick can happen to doctors, nurses, patients or the like in a medical site.

In the applicant's claimed invention, on the other hand, when the needle is covered with the cap, the end of the needle is directed downwards and the syringe is moved downwards. Hence, even if one fails to cover the needle with the cap, then there is no such possibility that the accidental needle stick happens to doctors, nurses, patients or the like in a medical site.

Further, in Wade, the device is such that it is fixed to a bedside or a table and used. On the other hand, in the presently claimed invention, the claimed invention can be used not only in a fixed state, but also in a non-fixed state, and is highly portable. Lastly, Wade's device is not sufficient for preventing iatrogenic infection through a syringe.

In view of the above, the withdrawal of the outstanding anticipation rejection under 35 USC §102(b) based on Wade (U.S. Patent No. 4,979,945) is in order, and is therefore respectfully solicited.

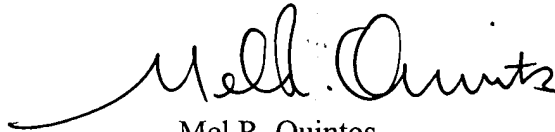
In view of the aforementioned amendments and accompanying remarks, claims, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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